The Herald of Freedom.

GEO. W. BROWN, Editor.

LAWRENCE, KANSAS.

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Here shall the Press the People's rights maintain
Unaw'd by party, and unbribed by gain,
Pledged but to Truth, to Liberty and Law,
No Favor sways us, and no Fear shall awe.

To Subscribers.

(X) When the term for which subscribers receiving their papers by mail or at the Post-office is out or nearly so, we convey the intelligence by a cross at the end of their names, like the one at the commencement of this notice. This will give all a fair opportunity to know when their time is up, and serve as an invitation to renew their subscriptions.

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Judge Johnston.

On our first trip to Kansas, up the Missouri river, in the fall of 1854, we made the acquaintance of Hon. Sanders W. Johnston. He was then on his way to the Territory from Ohio, to assume the duties of his office, as one of the federal judges; we to establish the Herald of Freedom, and to aid in making Kansas a free State. It was but natural that we should each desire an acquaintance with the other. A long interview followed. We learned that he was sincerely desirous of seeing Kansas a free State, and though he had no intention of polluting the judicial ermine by interfering in politics, yet by vote and counsel he would do what he could towards engrafting free institutions upon the Territory. He gave us many practical suggestions in regard to the proper way of getting control of the Territorial government, and wielding it for freedom—suggestions which have not at any time been lost sight of in our protracted struggle.

When the other federal judges issued their *dicta*, in the summer of 1855, from the Shawnee Manual Labor School, in which they sustained the legality of the first Border Ruffian Legislature, then in session, Judge Johnston entered his solemn protest against the act, and declared it "an unheard-of usurpation of judicial power."

For refusing to join in the crusade against Gov. Reeder, and withholding his assent to that decision, he was removed from office, though another *pretext* was urged as the cause.

The Big Springs Convention assembled on the 5th of September, 1855. It was composed of the best talent of the Territory, the design of which was to unite the Free State element and devise means to circumvent the Border Ruffian Legislature of that year. Judge Johnston was in attendance, and every person there will recall with heartfelt pleasure his stirring speech on the occasion. With earnestness, he exposed the frauds accomplished and projected upon the Free State party, and gave them wholesome counsel in regard to their duty. The welkin was vocal with applause from the hundreds in attendance, while he portrayed with living eloquence a final triumph over the foes of freedom, and the establishment of a great State here, which should acknowledge the truths of the Declaration of Independence, and which should not recognize the institution of slavery. He did not indorse a portion of the programme there adopted, and warned the Convention of the consequences if that line of policy should be pursued.

It was that unwise programme, then adopted, which Judge Johnston opposed, and which came near defeating the Free State party, and wrecking all its hopes of making Kansas a free State. We allude to the policy of voting at an election not known to law, keeping wholly aloof from the recognized government, and setting up another government unknown in its stead. Had the counsels of Judge Johnston prevailed in that Convention, our difficulties would probably never have assumed such a serious aspect, and would have been terminated at least one year earlier.

When the Lecompton Swindle had raised its hydra head, Judge Johnston again made his appearance, and wielded all his influence, socially and politically, to defeat it. His opposition was not a silent one, scarcely felt at home or abroad, but active, thorough, and he left no honorable means unemployed to defeat the scoundrelism of that instrument. He was the chairman of a large and enthusiastic Convention held in Leavenworth on the 27th of December, 1857, which repudiated the Constitution, and by resolutions, and a memorial to Congress, did much towards putting Hon. S. A. Douglas and other prominent Democratic statesmen right on that question.

The only way we can account for the statements of the *Lawrence Republican*, *Leavenworth Times* and *Freedom's Champion*, that "Johnston has done nothing worthy of consideration since he has been in Kansas," is by knowing the fact that *they* were not residents of Kansas in the hour of her greatest peril; that, in short, they wish "to reap where they have not sown."

A Thief Arrested.

The Bates county (Mo.) *Standard* announces the arrest of a thief, who was taken to Pappinville, where he made a confession—stating that he belonged to a band of *Thirty Thieves*, and giving his own name as John Gilpin Elliott; that he was formerly from Green county, Mo., but had been to New Mexico, and since he returned, he had been living in Waterloo, Kansas; he gave the names of *seventeen* of his confederates; but lest he may intend to injure good men, the *Standard* thought proper not to publish their names.

He says he is acquainted with the fact of seventeen horses having been stolen in Cass and Jackson counties, most of which were sold in Waterloo, in Breckenridge county, Kansas, on 142 creek.

For want of bail he was sent, for safe keeping, to Vernon county jail.

A Defense of the "Model" Constitution.

Lawrence, Aug. 22, '59.

G. W. Brown, Esq., Ed. Herald of Freedom—Sir:—In the last number of your paper I notice a criticism on the Wyandott Constitution, so calculated to mislead the public that I am induced to ask of you the favor of a correction.

The criticism occurs in an article headed "The Model Constitution;" and, ignorant as I am of the authorship, I regret that you do not require of persons having access to your editorial columns, some guaranty of fidelity to fact, if none is required of impartiality of comment.

Quoting the clause, "No person shall be a witness against himself," the writer affirms that "this provision applies to *civil* prosecutions as well as criminal," and proceeds to comment at large upon its assumed hardships and absurdities.

Now, this Article, like all the others, was carefully discussed in Convention, and the lawyers there agreed, unhesitatingly, in the assurance that the word "prosecutions" itself, as there used, clearly defined the exclusively criminal character of all cases which could be affected by this section. To show that the entire text conveys the same idea, and that its operation is intended to be limited to criminal cases, I quote the section entire, using italics to emphasize its meaning:

Sec. 10. In all prosecutions, the *accused* shall be allowed to appear and defend, in person or by counsel; to demand the nature and cause of the *accusation* against him; to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf; and a speedy public *trial* by an impartial jury of the county or district in which the *offense* is alleged to have been committed. No person shall be a witness against himself, or be twice *put in jeopardy* for the same *offense*."

I think the language itself clearly shows that your critic's statement is the reverse of the truth; and that he, in his zeal against an instrument for the defeat of which he seems to labor *con amore*, has traveled for his arguments far beyond the region of fact. This case well exemplifies, also, most of the objections to the Constitution which are so vehemently urged in your paper and the Democratic journals generally, in Kansas.

Is it asking too much of a journalist, claiming entire independence of party or personal feeling, that he shall criticise with care and candor a document so important as the proposed fundamental charter of a State? or, of a reformer, that he shall display a zeal in defending its progressive principles, equal to that with which he searches for and denounces its faults?

By giving this letter a place in your columns, you will oblige. Yours very truly, J. M. W.

We give place, cheerfully, to Mr. Winchell's defense of the action of the Wyandott Convention.

The intent of the Convention may be clear enough to parties who participated in its discussions, but the people, who must examine and pass upon this instrument, and the persons who may be called upon to execute it hereafter, are not at liberty to take Mr. Winchell's statement as to that intention, unless it is so clearly expressed as to remove all ambiguity.

The Wyandott Constitution is the first instrument which has struck out the word criminal, when speaking of the rights of the accused in criminal prosecutions.—The first sentence of section 10, of the Bill of Rights, is a guaranty of certain rights to persons accused of crime, according to Mr. Winchell, yet the word "criminal" is erased, on the plea that the word "prosecutions" itself, clearly refers to criminal cases. We point to the fact that other constitutions insert the word criminal before prosecutions, preferring to use a word having an unambiguous meaning, rather than a series of words which describe processes, some of which are common to civil as well as criminal suits.—Mr. Winchell assumes that the word prosecutions refers exclusively to criminal cases, because terms follow in the same sentence, which refer to criminals, but his logic is not conclusive. While there may be no doubt about the legal meaning of the words he italicises, there is a serious question whether the elision of the word criminal does not enlarge the effect of the whole sentence.

Nothing has been gained by the erasure of the word criminal, but possible ambiguity and discussion in courts of justice. But should we grant to Mr. Winchell that the Convention deserve the hearty thanks of future constitutional conventions for this model change, it by no means follows that the clause, "No person shall be a witness against himself," refers only to criminal cases.

It will be remembered the Constitution of Ohio was taken as a basis. Section 10 of the Bill of Rights of the Wyandott Constitution, if drafted from section 10 of the Bill of Rights of the Ohio Constitution, is a material alteration. The first clause of that section, in the Ohio Constitution, reads as follows: "Except in cases of impeachment, and cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, and in cases of petit larceny and other inferior offenses, no person shall be held to answer for a capital or otherwise infamous crime, unless on presentment or indictment of a grand jury." This is erased altogether, thus virtually abolishing the grand jury system, and neglecting to secure to the criminal the rights guaranteed to him by the Constitution of the United States. If the Convention did not *intend* to abolish the grand jury system, why did they erase this clause?

The next sentence of the same section reads, "In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel; to demand the nature and the cause of the accusation against him, and to have a copy thereof; to meet the witness face to face, and to have compulsory process to compel the attendance of witnesses in his behalf, and a speedy public trial, by an impartial jury of the county or district in which the offense is alleged to have been committed; nor shall any person be compelled, in any criminal case, to be a witness against himself, or be twice put in jeopardy for the same offense."

The clause, "and to have a copy thereof," has been stricken out, leaving it optional with the Legislature to require the accused to be furnished with a copy of the indictment against him. Instead of using a semicolon and the conjunction nor, to connect the latter part of the clause with the first, a full stop is used, and the Wyandott instrument reads, "No person shall be a witness against himself, or be twice put in jeopardy for the same offense," thus making this a distinct sentence, free from the qualifying phrases which Mr. Winchell contends limit the previous sentence to criminal cases. As if still further to change this proviso of the Ohio Constitution, it has been altered from "Nor shall any person be *compelled, in any criminal case, to be* a witness against himself," to "No person shall be a witness against himself," striking out the words italicised. When such a change as this is made, in spite of Mr. Winchell's assumption, it is evident that the Convention did not design to permit a party, in *any* case, civil or criminal, to be a witness against himself. They have made it *imperative* that he shall not be a witness against himself—whether he is willing to be or not. This will prove very convenient for horse-thieves, &c., who have been led to confess with a halter around their neck or a pistol at their breast, and, perhaps, bring about an abolition of the Kansas custom of extorting confessions from suspected persons, in which view alone can it be looked upon as a sign of progress.

Mr. Winchell's criticism fails to be true to fact, and does not change, in the least, our comments on the effect of this change. Because the Convention joined together two distinct propositions in one sentence, one of them referring to criminal suits, it does not follow that the other of necessity is limited to the same class. Some Constitutions provide, in the same sentence with that providing that "No person shall be subject to be twice put in jeopardy for the same offense," a provision that "No private property shall be taken for public use, without just compensation." Because these propositions are in the same sentence, it does not follow that they both refer to the same subject-matter. Yet this is the absurdity to which Mr. Winchell's logic comes. He has italicised "put in jeopardy" and "offense," just as though they limited the distinct proposition that "no person shall be a witness against himself."

Mr. Winchell's letter is a "model" of cool impudence and assumption, just such as might be expected from the would-be dictator and Senator of the new State of Kansas, to whom has been entrusted the work of usurping the powers and duties of Territorial officers. He professes the most entire ignorance of the authorship of the editorial in question, and then *assumes* that we have permitted persons to have access to our columns, who have no regard to "fidelity of fact." Consistent Mr. Winchell, who prefers "impressions"—spiritual, it may be—rather than positive knowledge. Perhaps the recent heights of political honor to which he has been elevated, have enabled him, in the midst of ignorance, to form a positive decision as to questions of fact. His intentions seem to him more weighty than the clear letter of the law, and whoever chooses to differ from him, is charged with uttering "the reverse of the truth." He also assumes that as he has, by this explanation, shown the fallacy of one criticism, he has an equal right to conclude our other objections to be untenable.—Still further, he classes the Herald of Freedom with the Democratic papers of Kansas. Who has put him in the position of a censor of the press, to say under what banner they shall be enrolled? He, perhaps, may know; but this studied insult, which he has taken pains to give us in our own columns, is in keeping with the cool audacity for which he is famous.

Our criticisms on the Constitution, which have called forth this lame apology from the President of the Wyandott Convention, have been candid and fair, based on a rigid scrutiny of its merits, as a fundamental law, and as a "model" specimen of legal rhetoric. The Republican party have made it their political Shibboleth, and, forsooth, if a Free State press, which is impartially dissecting it, does not join in their cry of "Great is Diana of the Ephesians," Mr. Winchell steps forward as its high priest, to issue a bull of excommunication.

He lauds its progressive features. He will find it difficult to point out any distinctive progressive features unless it be those referring to the rights of women, of which we shall speak when occasion arises for it.

This epistle comes from a class of men who thrive on lies and misrepresentation; who, when they utter a false charge against their political opponents, *never* retract—who have resorted, as a means of carrying their Constitution, *not* to a fair and full discussion of its merits, but have fallen back on *falsification of the position of their opponents, and on party drill*. "We must," they say, "adopt this Constitution to exterminate the Democratic party in Kansas and secure us power." The administration is vilified, wholesale falsehoods invented against the Democrats, and an unscrupulous personal warfare entered upon. As if aware that they had committed a fraud upon the rights of the people in that instrument, they do not venture any explanation of its progressive features, but attempt to engage the attention of the people by false issues, and to divert them from any examination of its faults, and blunders, and outrages.

This model defender of the "model Constitution," comes before the people asking justice at the hands of his opponents. Himself one of the recognized leaders of the Republican party in the Wyandott Convention and in its caucuses, where most of the obnoxious features were resolved upon, he stands forth as the representative of the foul wrong perpetrated by that Convention. Had he been animated by a sense of justice, he would not have consented to the disfranchisement of the southern tier of counties in the Senatorial apportionment, nor to the disfranchisement of the counties of Arrapahoe, Godfrey, Wilson, Dorn, and McGee in the judicial apportionment. Nor would he have consented to the violation of the treaty obligations of the United States with Indians, by depriving civilized Indians of the right which they now possess of the elective franchise. It matters not whether five, or five hundred, or five thousand citizens of the United States are thus stripped of their civil rights—the principle is the same. Had he possessed a keen sense of honor he would never have consented to the appointment of himself as one of the Board of Canvassers, but would have indignantly resigned the proffered task of usurping the sworn duties of Gov. Medary. Justice! the less he profanes that word the better. May he have justice, as the compeer of Dictator Calhoun, in usurping power and place, and setting at defiance the laws of the land, deserving, as he does, the scorn and execration of mankind.

The Success of Kansas Republicans.

It seems to be a grave offense to talk plainly about the omissions of the Republicans in this Territory. Many of them cannot conceive how any man can desire the ultimate extension of slavery and yet not act with and for the success of that party as now organized. They care not how bitter criticism is hurled at Democrats, but ask that equally as salient points, on the part of Republicans, shall be passed over lightly. If not, and even-handed justice is meted to both contending parties, they affirm that the Republican party will be defeated. It is no pleasure to us to have such a candid confession of the utter lack of stamina in Kansas Republicanism. In this respect, it is the opposite of the old Free Soil and Liberty parties. They planted themselves on broad and unequivocal principles, and invited the freest and fullest criticism. While clamoring for the rights of the negro, they did not fail to respect the rights of members of their own party, and even of their opponents. Success, they knew, was only to be had by the most unscrupulous fair-dealing. The trickery of both parties in building platforms which were capable of a double construction, in taking every unfair legislative and parliamentary advantage of each other, was scorned by them.

Kansas Republicans, however, have grown wiser. They have learned the tricks of the enemy. They are determined to secure power, by fair means or foul, "because the Democracy must be whipped." They consent to stand upon a facing-both-ways platform, because it will accommodate both anti-slavery and pro-slavery men. What is the result? The floating class of mere political tricksters, who care for power more than principle, have obtained control of the Republican party of Kansas. They have succeeded because, if their plans had been defeated, they would have bolted the ranks of the party. With them, power, not principle, is the ruling motive. Party drill is next brought to bear to secure success. It becomes almost a crime for any man, with Republican principles, to stand aloof from them and refuse to become a mere party tool.

So far as we are concerned, the party must learn to be just, and honest, and unequivocal in its avowal of principles before we can affiliate with it. While they are so unjust to their opponents, so untrue to their former avowals of free principles, we cannot and will not maintain any position but that of perfect independence.—Our faith is not to be remodeled at the beck of political tricksters who make platforms to suit their chances of success, nor is our vote at their control. They can command it only by making the party honest, straight-forward, and placing in the field candidates whose personal habits are such as not to bring disgrace upon their supporters. To put forward men who are slaves to their appetites, as the exponents of the principles of the "party of principle," is a mockery which we have no disposition to indorse.

The Auraria Constitutional Convention.

This body re-assembled at Denver City on the 1st of August. One hundred and sixty-three delegates were reported present, who seemed to take so little interest in the Convention, that a test vote, as to adjournment of the Convention from Denver to Auraria, stood forty-seven to twenty-one. After a week's session, and considerable opposition among the delegates, a Constitution for the State of Jefferson was adopted, to be submitted to the vote of the people for acceptance or rejection. Capt. Garrison, U. S. Commissioner during the Texan war, was President of the Convention.

The Convention passed a resolution previous to adjournment, to prepare a memorial to Congress, praying for the purchase of the Indian title to the gold regions, and the establishment of an Assay office at some point in the proposed State of Jefferson.

The boundaries of the State of Jefferson are latitude 37 to 43 degrees, and longitude 102 to 110. This includes the rejected portion of Kansas, takes in a portion of the mining region of New Mexico, lying north of the 37th parallel, thence passing westward from the summit of the mountains nearly two hundred miles, including a portion of the Green river country in Utah, and extending nearly as far west as Fort Bridger. It extends north and west into the State of Oregon, taking in the South Pass, and thus securing the control of the railroad routes which may seek an outlet westward from that point, and also includes the North and South Platte region in south-western Nebraska, controlling the railroad routes on the east of the Rocky Mountains.

This wholesale appropriation of the soil of other territories may be indorsed by Congress, but we doubt it. The idea of admitting the transient population of that region into the Union as a State, at present, is ridiculous.

☞ The wires are pulled by the Republicans in every direction to secure such a parcelling of the State offices as to enlist all wings of the party, and put beyond a doubt the adoption of the Constitution. The harmonious Republicans may buy up enough office seekers to satisfy themselves of success, but the people, whose interests have not been properly protected in the Constitution, will repudiate both it and them. Neither spoils of office nor party drill can save them. Nor can any arrangement win by which they may attempt to trade off Mr. Parrott for votes in favor of the Constitution.

Railroad Enterprises.

The Atchison papers announce the completion of the grading of the Atchison and St. Joe Railroad. Arrangements have already been made with a Missouri Company to furnish and lay the ties, and put the rolling stock on the road, within the next three months. Leavenworth has authorized the issue of bonds to aid in the construction of a road westward. It is proposed, however, that Leavenworth should seek a connection with St. Louis by the Pacific Railroad, rather than an eastward connection by the Hannibal and St Joe Railroad, whose interests, it is claimed, are antagonistic to Leavenworth, being identical with those of Chicago. It seems to us that the passenger and freight traffic to St. Louis will seek the shortest route. If the Kansas Valley railroad is built as soon as the Leavenworth road, it will divide the traffic, if not divert it from Leavenworth City, while an eastern connection from Wyandott, striking some point on the Hannibal and St. Joe Railroad, would secure the eastward trade.

The Pacific Railroad has been finished to within 90 miles of Kansas City. The counties along the line are about to authorize a change in the character of the bonds they have voted, so that they may be made immediately available for the construction of the road. The Fort Desmoines and Kansas City Railroad is under agitation again, a Convention in its favor being called at Gallatin, Mo., on the 14th of September next. It is designed as a northern extension of the "Texas Central Railroad," which, under liberal State patronage, has been completed some two hundred miles north from Galveston.

The St. Louis *Democrat* speaks of the recent visit of Col. A. M. Tutt, of the Osage Valley and Southern Kansas Railroad, and Messrs. Arny and J. O. Wattles, of the Jefferson City and Neosho Valley Railroad, to confer with the Pacific Railroad Company, in reference to a junction with that road at the town of Tipton, in Moniteau county.

The *Democrat* speaks of the prospects of the O. V. & S. K. Railroad as follows:

We understand that the citizens of the counties through which the O. V. & S K. Railroad is to run, propose to obtain the means for its construction by a subscription in money and lands, and by a loan secured by a mortgage of their farms and town property, and thus build the road by *individual means*, and *without State aid*. Subscriptions sufficient have been obtained to build thirty-five miles of the road, and the engineers are engaged in its location from Tipton. It is proposed in September to put the first section of the road from Tipton to Versailles under contract. Ground will be broken at Tipton on the 21st of September, at which time and place the citizens along the line propose to have a great meeting, and begin the construction of their road, which promises to be prosecuted with vigor to its completion.

Introducing New Tests.

The Palermo *Leader* justifies the exclusion of civilized Indians from the right of suffrage, on the ground that "their personal habits, their tribal bonds and proclivities, and their terrible mental and moral degeneracy," furnish a sufficient excuse for denying them the right of suffrage. If personal habits, if mental and moral degeneracy are to be made the test, then be just, and apply it to the besotted, vicious and drunken white. The *Leader* claims further:

No pure-blooded Indian can be found to-day in this Territory who is capable of the intelligent exercise of the right. It is true that we have a few half-breeds and quarter-bloods of the Wyandott and Shawnee tribes who are enterprising, intelligent and reliable citizens, and who should be allowed to participate in the government, and they will be allowed to; for with the Legislature, under the Constitution, rests the right to declare that one-half or three-fourths white blood in a citizen shall entitle him to the appellation "white," and all the privileges flowing therefrom. We believe the red race no more enlightened, no more capable of self-government, than the black. It is only the admixture of white blood, which our Southern brethren are admirably advocating in impetuous and extensive slave practice, that has ever, except in wonderfully rare instances, raised either race to near a practical equality with the whites. In comparing the red men with the black, our experience has led us to believe it easier to elevate the latter than the former.

Full bloods cannot intelligently exercise the right of suffrage—the same principle would cut off every white man who cannot intelligently exercise that right. But when the right of the white man is involved, it is conceded that the person himself is alone capable of deciding whether he votes intelligently.

The Legislature, however, is to confer on these half-bloods the right of suffrage, and at the same time confer it on mulattoes. Because the Republicans had not courage to be true to their principles, and confer on the negro the right of suffrage, they must disfranchise the civilized Indian, and drag him down to the level of the African race.

Such is the faith of the "party of progress."

More "Progress."

The Constitution is now claimed to be a progressive one. The 19th section of the Ohio Bill of Rights provides:

"Private property shall ever be held inviolate, but subservient to public welfare. When taken in time of war or other public exigency, imperatively requiring its immediate seizure, or for the purpose of making or repairing roads, which shall be opened to the public, without charge, a compensation shall be made to the owner in money; and in all other cases, where private property shall be taken for public use, a compensation therefor shall be first made in money, or first secured by a deposit of money; and such compensation shall be assessed by a jury, without deduction for benefits to any property of the owner."

This is stricken out by the Wyandott Convention—one of the most marked symptoms of "progress" in their Constitution. Henceforth they design it to be the law in Kansas that "*Private property may be taken for public use* WITHOUT *just compensation*." Are the people willing to place their property on such a basis that it may be seized as public plunder?

The Home Gem.

Mrs. Anne Denton Cridge, of Cleveland, Ohio, publishes an excellent little monthly for children, under the above title, at twelve cents per annum.

The Rod of Correction.

The Wyandott Convention evidently believed that our future legislators would feel more sensibly a draft upon their pockets than upon their reputations.—They reversed the old dogma that "money is the root of all evil," and have designated it as the most potent instigator to official promptness and probity, and provided in section 7 of article 15, that "The Legislature may reduce the salaries of officers, who shall neglect the performance of any legal duty."

The general terms of this provision apply to all State as well as county officers, if we take its wording alone for a guide. But the State officer in any of the executive offices, who neglects his duty, if called up before the Legislature, will turn at once to article 1st, section 15, and plead as a bar to judgment that the compensation of executive officers "shall neither be increased nor diminished during the period for which they shall have been elected." He may go still further and deny the power of the Legislature to reach him except by impeachment, when, according to section 28th of the legislative article, "judgment in all such cases shall not be extended further than to removal from office and disqualification to hold any office of profit, honor, or trust under this Constitution."

The judicial officers may be impeached, but no reduction of salary can be made which will reduce their salaries below $1,500.

The members of the Legislature have their salaries safe in any event. The provision seem, designed to apply mainly to county and township officers, who may, perhaps, be reached by some general law, although most of them depend on the perquisites of office for their remuneration. Whether it will descend to the enactment of a specific law, attaching to each degree of official neglect an appropriate penalty, or will bring the offenders to the bar of the Senate for trial, that that grave judicial body may be employed while the House of Representatives is maturing bills, is a matter yet to be developed. Not contented with holding the prospect of a reduction of salary over the heads of the judiciary, which may be used as an instrument of partizan oppression, the Convention has introduced the new feature of prohibiting judges from the practice of "law in any of the Courts of the State during their continuance in office." A Circuit Judge is compelled to ride over an extensive section of country, and use up, in traveling expenses, almost his entire income, yet he cannot be allowed to practice law in any Court in the State. If to sustain the purity of the bench, such a provision is necessary, then a sufficiently high salary should have been guaranteed the judges to pay them well for their services, over and above their traveling expenses. Should one Legislature give them a fair salary, its successor in a fit of parsimony may reduce it to the lowest constitutional point.

The Chicago Times.

The Republican press of Kansas have quoted the Chicago *Times* as in favor of the Wyandott instrument, and hence conclude that Douglas is in favor of it. In a late issue of the *Times*, we find the following:

The Chicago *Journal* says that we have denounced the Kansas constitution. We have done no such thing. It says we advocate that instrument. We do not; our time to do that will be next winter, if it passes the tribunal of the people of Kansas. Let our neighbor compose itself, and stop lying.

In another article it says:

We have read it carefully; and while we discover several things in it, which we might oppose, were we citizens of Kansas, we still are free to confess that with its general tone and character we are entirely satisfied. We do not find that it in any way conflicts with the Constitution of the United States, nor that it is likely to offend the true and healthy national sentiment of the country. If no part of this instrument is kept back, and if we have read it aright, we do not see how any opposition can be made to it by Democrats in Congress. We rejoice to be able to form this opinion; for it is high time the Kansas complication had ceased. We rejoice, too, that at length, despite a virulent opposition, the principles of popular sovereignty, for which we are contending, has borne such agreeable fruits in Kansas. Let her people have a fair chance at the polls to vote on the question of acceptance of the new constitution; if it shall be accepted, then let Congress admit the new State immediately, and the country will have internal peace once more; the Democracy will have a new lease of power; but the Republicans, they will be without occupation, or anything to nourish them.

Indeed, if the convention that framed this constitution was not decidedly Republican in its politics, we should expect the Republicans to oppose the adoption of its work. We know that if the same constitution had been concocted by a Democratic convention, it would be fought by the Republicans to the bitter end. So far as the condition of the negroes is affected under it, we are sure nobody will pretend that any competent body of Democrats ever made a constitution or other enactment, that was more severe on the "subject race;" and yet this was a Republican convention, and its work must be accepted by the Republican party. It will go down hard, for with it they have got to swallow all their platforms and public addresses for the last five years.

But we do not think the Republicans of Kansas have treated their friends in the States quite fairly. They have left them in the lurch.

There is no question about the willingness of the Douglas Democrats to admit Kansas with such a constitution as her people may adopt, even though in that the elective franchise had been extended irrespective of color or sex. Such was the position taken by Douglas Democrats in 1856, and they will not swerve from it. But there are leading Republicans in the Senate who opposed the admission of Minnesota and Oregon because their constitutions made unjust discriminations against negroes. If consistent, these men will be compelled to oppose the Kansas Constitution.

But because the position is taken that Congress will not oppose the admission of Kansas, provided the people endorse the Constitution, that is no argument in favor of the instrument. If the people of Kansas choose to bind on themselves an odious constitution, Congress will not interfere to relieve them of their burden.

The Banking Article.

The provision that the banks shall have in cash on hand in its vaults ten per cent. of the amount of its circulating notes, is good, provided they do not borrow this money at the start, and when the notes are delivered to them by the Auditor, return it, thus leaving the people nothing but the public stocks as security for their circulating notes.

The Convention refused to require a majority of the stockholders to be residents of Kansas. The gate is left open for eastern brokers to establish banks and flood the Territory with a depreciated currency, which they will buy up at a discount. How this works can be seen by reference to the Illinois and Wisconsin banking system. We clip the following racy remarks from an Iowa correspondent of the Chicago *Press and Tribune*:

Were the majority of these banks owned by parties who, when compelled by the tedious process of law, would redeem their notes, the people might feel more tolerant. But not the least of the evils attending this system is, that it brings upon the community the plethoric issues of scores of banks—returnless, homeless, fatherless currency, the issuers of which never intended to redeem it, even if at the distant tail end of the law. These may properly be termed "Backwoods Banks," and this class are not few, either in Illinois or Wisconsin. Some adventurous Shylock buys his Missouri 6's and deposits them with the Auditor, receiving therefor the bills of the Raccoon Bank, and takes them to Chicago or some other city and loans them at a high rate of interest, in addition to which he receives his six per cent. per annum interest on stocks in the hands of the Auditor.—The bill reads, "The Raccoon Bank, Sleepy Hollow," and fancy pictures the "Raccoon" in his rural retreat, in his quiet burrow, occasionally venturing forth into the world, but quickly returning to his birthplace and his home. But everybody *knows* that the Raccoon Bank was born in Chicago or Springfield, or Milwaukee, or some other city—that it never had a home, that the bills once out, henceforth have no owner, nor redeemer, but as long as the people allow themselves to be swindled by taking them and regarding them as currency, so long they "go," and when the people get tired of so doing, and become willing to assume the risk, delay and expense of presenting and protesting, then the Auditor sells the stocks and closes the affairs of the Bank, and how does the "stock secured" currency of such Banks turn out? The six per cent. bonds of Missouri form the greater part of the security of the Illinois and Wisconsin Banks. These are now worth eighty-three cents on the dollar in New York, and if any considerable amount was thrown suddenly upon the market they would fall to a much lower figure. With the depreciation in value of the securities and cost of winding up, which would be from ten to fifteen per cent. it is apparent to every one, the loss to the innocent bill holders would be not a little.

But the evils of the system are too numerous and too apparent to all, to need further enunciation. And who pockets the enormous revenue derived from such a system? Not the State—not a cent of it—not the citizens, nor the farmers, nor the business men. They have no interest in the matter. But the curb-stone brokers, mushroom speculators, penniless adventurers, and Shylocks generally.

One day the tide sets in from Eagle Point, Wisconsin—the Arctic Bank, J. C. Barbor, Cashier, and the next day from Mt. Carmel, Illinois—the Bank of America, J. C. Barbor, President, and in the advertising columns of the *Press* we read, "J. C. Barbor, Banking and Exchange Office, 42 Clark street, Chicago. Exchange and uncurrent money bought and sold." Bye and bye it will, perhaps, be a part of his business to buy up his own depreciated issues at sixty to seventy cents on the dollar.

Some of these men living in Chicago, St. Louis, and other cities, own six or eight banks apiece, and it is to fill the purses of such men that the public submit to this wholesale swindle.

Section 7th, prohibiting banks from issuing notes of a less denomination than five dollars, will prove a most fertile source of swindling. The banks will pay out the small notes of rickety stock banks, and having flooded the country with them, refuse to receive them on deposit except at the quoted rates of the detectors. If this course is not taken, then the people may look out for the inauguration of the issue of checks by bankers and others, which will drive out almost entirely the specie circulation.

The Convention has made ample provision for flooding the new State with a worthless foreign currency, and for driving specie out of circulation, unless the Legislature adds greater safeguards. Nothing else could be expected from the "model" men of the Nineteenth Century.

"Exactly Adapted to our Wants."

Wm. A. Phillips, standing delegate from Arrapahoe, offered the following resolution at the late Republican Convention, which was adopted:

Resolved, That we regard the Wyandott Constitution as exactly adapted to the wants of the people of Kansas, and pledge ourselves to labor for its adoption.

The Leavenworth *Times*, edited by an old-time abolitionist and his son, who is famous as a defender of fugitive slaves, thus speaks of the position taken by the Wyandott Constitution in reference to the negro:

The Republicans have taken a noble stand, and they will maintain it. The apostles of free labor, they work for the interests of the free WHITE man. The negro is an article in which they have no concern, and with which they do not propose to cumber the instrument they are drafting for the glorious future of Kansas.

The Constitution prescribes that the elective franchise shall extend to free *white* male citizens alone. With thus declaring the negro socially and politically the inferior of the white, the Republicans stop.

So it is "noble" to disown the negro, and declare him "socially and politically the inferior of the white"—and this exactly meets "the wants of the people of Kansas." And is this the end of the teaching of "the old anti-slavery man of upwards of thirty years standing?" What a waste of time to no purpose!

Is this the accomplishment of Phillips' mission to Kansas? Blessed are they who expect nothing, for they shall not be disappointed.

☞ A letter from Linn county informs us that the Constitution will be defeated in that county by at least one hundred majority. Wyandott county has nine hundred voters, of which number not one hundred will vote for the vile swindle.—*Wyandott Argus*.

Popular Sovereignty, or Supreme Court Decisions in Kansas.

Pursuant to previous notice, a very large number of the citizens of Rock Creek, in Breckenridge county, met on the 30th day of July, 1859, at the new trading house of Messrs. Baker and Sewell, Agnes City, and organized by electing Mr. A. Overaker, President, and John Jewett, Secretary.

The President stated that the object of the meeting was to agree upon some rules and regulations according to which the settlers in that neighborhood might protect each other in the possession of their claims.

Judge Baker addressed the meeting at length in favor of an organization in accordance with the laws of Congress. He concluded by moving the appointment of a committee of three to revise the old Constitution and By-Laws which had heretofore governed the adjustment of "claim" controversies, and which were still in force. The motion was carried, and A. J. Baker, H. T. Teeples and George Gates were appointed said committee.

Col. O. H. Browne then addressed the meeting. He manifested much feeling. The object of the meeting had been fully stated by the President, and also by Judge Baker. What more important object could possibly occupy the attention of men, than the establishment of rules for the regulation of their own action? Situated as we are within the "Kaw Reserve," the pre-emption law does not reach us, notwithstanding the Reserve should have been located, according to the Kaw treaty, about sixty miles west of its present location. We are emphatically without law. We have nothing to lean upon but the honor of man. What is man without honor? A man without honor is worse than a fiend. Fiends are confined in a region where they can do no harm. The man who will jump a claim, without excuse or justification, will steal a horse, or steal money if he has an opportunity. I had rather associate with the inmates of a penitentiary, than with claim jumpers. I had rather make and occupy a claim in the meanest corner of the infernal regions, than in the neighborhood of such men. If there are claim jumpers in this meeting, or men who favor them, openly or secretly, I would greet them with the grin of contempt, the laughter of hate, and the hisses of scorn. Howl your curses, ye claim jumpers—scowl your disapprobation—I had rather bear the frown of your most withering aspect, than to live in the loathsome and infectious leprosy of your friendship. I scorn to shake hands with men whose honor is the soul of infamy. Rob me of my property if you will; rob me of my heart's blood if you have the nerve; but mine honor you cannot tarnish.

Col. Browne then submitted the following resolution, which was adopted:

Resolved, That a committee of three be appointed by the President of this meeting to investigate a claim controversy between O. H. Browne and a man by the name of Ingham.

Matthew Freel, George Dumond and Wm. C. Howard were appointed said committee. After hearing the evidence and examining a diagram of the contested claim, the committee made the following report:

"We, the committee in regard to the claim in dispute between Mr. Browne and Mr. Ingham, do, according to the best of our judgment, decide in favor of Mr. Browne.

MATTHEW FREEL,
GEORGE DUMOND,
WM. C. HOWARD, } Committee."

On motion of Mr. Jewett, the report of the committee in the case of Browne against Ingham, was adopted by a unanimous vote of the meeting.

The report of the committee on Constitution and By-Laws was then received, read by sections, and adopted. The principal amendment being the insertion of the words "*staked through the prairie*" in the 6th line of the 1st Article of the old By-Laws.

On motion of Judge Baker, amended by Mr. Jewett, it was resolved that Mr. Overaker be allowed six months to dispose of his extra quarter section.

On motion of Mr. Teeples, the President appointed A. J. Baker and Eli M. Sewell a committee to copy and prepare for publication the new Constitution and By-Laws, with amendments; and to preserve the old manuscript for future reference.

A. Overaker was then elected permanent President of the Association, with power to call meetings. Mr. French was elected Vice President and Judge Baker, Clerk.

On motion, the Secretary was directed to procure the publication of the proceedings of this meeting in such papers as may consent to insert them.

On motion, the meeting adjourned, to meet at the call of the President.

A. OVERAKER, President.
John Jewett, Sec'y.

Not a Word of Truth in it.

The Registry—A Sharp Game.—We understand the Democratic assessor of Lecompton township took the registry and made an assessment in the corporate precincts of Lecompton, and then refused to register and assess the large population outside. This action can be for no other reason than that in Lecompton there are a large number of Pro-Slavery men, while almost every voter outside is a Republican. This attempt to cut off a large body of voters is truly characteristic, but we trust it will not succeed.—*Lawrence Republican*.

The above statement is a malicious and unmitigated falsehood. The assessment and registry, in the city of Lecompton, has not been made. The gentleman appointed to make the assessment, has refused to serve, and the township board has appointed another person to perform the service. It is especially false, that in Lecompton there are a "large number of pro-slavery men, and that almost every voter outside is a Republican." There are over two hundred voters in the township, *only thirty nine* of whom voted the Republican ticket in June last. There are more Republicans in the city, in proportion to the number of inhabitants, than in the township.

The editor who is capable of publishing so base and unmitigated a falsehood, is unworthy of belief at any time, or on any subject.—*Lecompton Democrat*.

☞ Among the three hundred and ninety-three contributors to the *North American Review*, the names of the following female writers appear: Fanny Kemble Butler, Miss I. Batchelder, Countess De Bury, Miss Chandler, Mrs. D. D. Cheney, Mrs. E. F. Ellett, Mrs. Caroline Gilman, Mrs. Griffiths, Miss F. Inglis, Mrs. C. M. Kirkland, Mrs. A. W. Little, Mrs. Minot, Mrs. Mary L. Putnam, Mrs. Therese Robinson, Mrs. E. V. Smith, Mrs. M. J. Sweat, Miss Wheaton.

Horses—Big Head Disease.

The N. Y. *Tribune* starts the following question in reference to the above disease:

Does this disease prevail anywhere but in the limestone regions, where the animal easily obtains the food that affords materials in excess for the increase of the bony structure?

☞ The Leavenworth *Times* backs down from its attack upon Judge Johnston.